

SENATE BILL NO. 227

INTRODUCED BY M. WHEAT

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A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING AND AUTHORIZING ELEMENTS OF LOCAL GROWTH POLICIES; DEFINING "WILDLAND-URBAN INTERFACE AREA"; AMENDING SECTIONS 76-1-103 AND 76-1-601, MCA; AND PROVIDING AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 76-1-103, MCA, is amended to read:

"76-1-103. Definitions. As used in this chapter, the following definitions apply:

- (1) "City" includes incorporated cities and towns.
- (2) "City council" means the chief legislative body of a city or incorporated town.
- (3) "Governing body" or "governing bodies" means the governing body of any governmental unit represented on a planning board.
- (4) "Growth policy" means and is synonymous with; a comprehensive development plan, master plan, or comprehensive plan that meets the requirements of 76-1-601.
- (5) "Mayor" means mayor of a city.
- (6) "Neighborhood plan" means a plan for a geographic area within the boundaries of the jurisdictional area that addresses one or more of the elements of the growth policy in more detail.
- (7) "Person" means any individual, firm, or corporation.
- (8) "Planning board" means a city planning board, a county planning board, or a joint city-county planning board.
- (9) "Plat" means a subdivision of land into lots, streets, and areas, marked on a map or plan, and includes replats or amended plats.
- (10) "Public place" means any tract owned by the state or its subdivisions.
- (11) "Streets" includes streets, avenues, boulevards, roads, lanes, alleys, and all public ways.
- (12) "Units of government" means any federal, state, or regional unit of government or any county, city, or town.
- (13) "Utility" means any facility used in rendering service that the public has a right to demand.

- 1 (14) "Wildland-urban interface area" means the area where human development meets or intermixes
2 with wildland fuels and results in the following conditions:
- 3 (a) interface conditions where there is a clear line of demarcation between the structures and the
4 wildland fuels along roads or back fences;
- 5 (b) intermix conditions where structures are scattered throughout a wildland area and there is no clear
6 line of demarcation;
- 7 (c) occluded conditions where structures abut an island of wildland fuels and there is a clear line of
8 demarcation; or
- 9 (d) rural conditions where scattered small clusters of structures are exposed to wildland fuels."

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11 **Section 2.** Section 76-1-601, MCA, is amended to read:

12 **"76-1-601. Growth policy -- contents.** (1) The planning board shall prepare and propose a growth
13 policy for the entire jurisdictional area. The plan may propose ordinances or resolutions for possible adoption
14 by the appropriate governing body.

- 15 (2) A growth policy must include:
- 16 (a) community goals and objectives;
- 17 (b) maps and text describing an inventory of the existing characteristics and features of the jurisdictional
18 area, including:
- 19 (i) land uses;
- 20 (ii) population;
- 21 (iii) housing needs;
- 22 (iv) economic conditions;
- 23 (v) local services;
- 24 (vi) public facilities;
- 25 (vii) if the department of natural resources and conservation has designated a flood plain and floodway
26 pursuant to Title 76, chapter 5, part 2, or the governing body has designated a flood plain and floodway pursuant
27 to Title 76, chapter 5, part 3, the designated flood plain and floodway, which must be included by reference. A
28 map of areas susceptible to floods may also be included as provided in subsection (3)(g).
- 29 (viii) if a fire hazard map or rating system has been adopted by the governing body or prepared by a
30 federal or state agency that identifies wildland-urban interface areas within the jurisdiction, wildland-urban

- 1 interface areas. The map or rating system may be included by reference.
- 2 ~~(vii)~~(ix) natural resources; and
- 3 ~~(viii)~~(x) other characteristics and features proposed by the planning board and adopted by the governing
- 4 bodies;
- 5 (c) projected trends for the life of the growth policy for each of the following elements:
- 6 (i) land use;
- 7 (ii) population;
- 8 (iii) housing needs;
- 9 (iv) economic conditions;
- 10 (v) local services;
- 11 (vi) natural resources; and
- 12 (vii) other elements proposed by the planning board and adopted by the governing bodies;
- 13 (d) a description of policies, regulations, and other measures to be implemented in order to achieve the
- 14 goals and objectives established pursuant to subsection (2)(a);
- 15 (e) a strategy for the elimination or reduction of inappropriate and unsafe new development in areas
- 16 susceptible to floods and in wildland-urban interface areas;
- 17 ~~(e)~~(f) a strategy for development, maintenance, and replacement of public infrastructure, including
- 18 drinking water systems, wastewater treatment facilities, sewer systems, solid waste facilities, fire protection
- 19 facilities, roads, and bridges;
- 20 ~~(f)~~(g) an implementation strategy that includes:
- 21 (i) a timetable for implementing the growth policy;
- 22 (ii) a list of conditions that will lead to a revision of the growth policy; and
- 23 (iii) a timetable for reviewing the growth policy at least once every 5 years and revising the policy if
- 24 necessary;
- 25 ~~(g)~~(h) a statement of how the governing bodies will coordinate and cooperate with other jurisdictions
- 26 that explains:
- 27 (i) if a governing body is a city or town, how the governing body will coordinate and cooperate with the
- 28 county in which the city or town is located on matters related to the growth policy;
- 29 (ii) if a governing body is a county, how the governing body will coordinate and cooperate with cities and
- 30 towns located within the county's boundaries on matters related to the growth policy;

